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*An Introduction to:*

# The Montana Legislative Council



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# MEMBERS OF THE 1959-1960 MONTANA LEGISLATIVE COUNCIL



## SENATE MEMBERS

Robert A. Durkee, Chairman

William R. Mackay

William T. J. "Ted" Mannix

Arnold Rieder

Paul Ringling

Bertha E. Streeter, Secretary



## HOUSE MEMBERS

George T. Howard, Vice Chairman

Fred E. Barrett

John J. Cavan, Jr.

P. J. Gilfeather

Norris Nichols

Ted Schwinden



## Executive Director

Eugene C. Tidball

## HISTORY, BACKGROUND AND PURPOSES

The Montana Legislative Council is an agency of the Legislative Assembly, created by law, with members from both houses. Generally, the Council was created to perform services which facilitate the legislative process. There are now over forty states which have operating legislative councils or council-type agencies. The state of Alaska established a legislative council in its new constitution.

The creation and expansion of the legislative council idea is viewed by the Council of State Governments as "the most significant development in the legislative agency research field in the last twenty years." Montana is an active member of the Council of State Governments.

The Montana Council was created by the 35th Legislative Assembly during the regular 1957 session (Chap. 34, Session Laws of 1957). Two previous laws creating Legislative Councils, in 1953 and 1955 had been declared invalid by the Montana Supreme Court. The legality and present law was tested in *James vs. State Board of Examiners*. In that case the court held that the Act creating the Council was constitutional.

The law provides that the Council shall accumulate, compile and analyze information bearing upon any matters relating to existing or prospective legislation. The Legislative Council has authority to investigate and examine into the costs of state governmental activities and may examine and inspect all records, books and files of any department, agency, commission, board or institution of the State of Montana. The Council also has authority to hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony.

The establishment of the Montana Legislative Council resulted from the need for a continuing and permanent legislative agency which would

work closely with and for the Legislature. During the time the Legislature is in session a Senator or a Representative is called upon to study several hundred bills on a wide variety of subjects. In addition each legislator reviews and approves appropriations involving millions of dollars for the numerous state agencies and institutions. Time is short and a wide variety of subjects demands a great amount of study if the legislator is to perform his duty properly. The Legislative Council was created to relieve legislators of part of this burden.

## SERVICES

During the 1957-58 interim the Legislative Council conducted studies in several areas of government which culminated in two printed reports to the 1959 Legislature. The major recommendations were aimed toward improving state administration of budgeting, the State Prison and education. The Legislature adopted a number of important council recommendations which resulted in the creation of an executive budget, a number of prison reforms and the legislative approval of a constitutional amendment creating a separate Board of Regents to govern the Greater University of Montana. This last measure will appear on the ballot for the 1960 general election.

Along with conducting major studies in areas assigned by Legislative resolution, initiated by the Council itself, or requested by individual legislators, the Council offers other services to the Legislature. A legislative reference library containing over 1000 books, pamphlets and reports is maintained in the council offices. Through its professional staff the Council offers spot-research facilities to the individual legislator throughout the interim as well as during legislative sessions.

During the 1959 legislative session, the council staff drafted 175 bills for members of the legislature. This was almost one-quarter of all the bills introduced that year.

Budget analysis is another very important function the Council hopes to fulfill. The steady expansion of existing services and the addition of new governmental programs has transformed state governments, once relatively small and simple, into business operations of impressive size. Most Montana Legislators seldom have at their disposal the facts essential to deliberate judgment on budgetary matters. A legislative budget analysis, conducted throughout the interim would provide a measure of this needed assistance.

## **MEMBERSHIP AND COMMITTEES**

The Montana Legislative Council consists of six members of the House of Representatives, appointed by the Speaker of the House and six members of the State Senate who are appointed by the Senate Committee on Committees. The law requires that no more than three members of each House be of the same political party. Membership on the Council ends with the termination of each member's term of office or on December 31 of the year following the year in which the appointment was made, whichever first occurs. Any vacancy occurring on the Council when the Legislature is not in session may be filled by another member of the Legislature selected by the remaining members of the Council. The Council members serve without pay but are reimbursed for actual expenses incurred while attending Council or Subcommittee meetings.

The law creating the Council provides that it shall elect one of its members as Chairman and such other officers as it may deem desirable. The Council is also empowered to appoint special committees composed either of other members of the Legislature or private citizens, or both, to study and inquire into any specific governmental problem. The following subcommittees have been created by the Council

### **Rules**

Representative George T. Howard, Chairman  
Representative Ted Schwinden

### **Taxation**

Senator Paul Ringling, Chairman  
Senator Bertha E. Streeter  
Representative John J. Cavan, Jr.  
Representative Ted Schwinden  
Representative P. J. Gilfeather  
Representative George T. Howard

### **Governmental Efficiency**

Representative Norris Nichols, Chairman  
Senator Arnold Rieder  
Senator William R. Mackay  
Representative Fred E. Barrett

### **Education**

Representative Fred E. Barrett, Chairman  
Representative George T. Howard  
Representative P. J. Gilfeather  
Senator William T. J. "Ted" Mannix

### **State Lands**

Senator Arnold Rieder, Chairman  
Representative Norris Nichols  
Representative P. J. Gilfeather  
Senator Bertha E. Streeter

### **Legislative Procedure**

Representative John J. Cavan, Jr., Chairman  
Representative Ted Schwinden  
Senator Paul Ringling  
Senator William T. J. "Ted" Mannix

### **Justices of the Peace**

Senator Bertha E. Streeter, Chairman  
Representative P. J. Gilfeather

## **Budget Analysis and Finance**

Senator William R. Mackay, Chairman

Representative Ted Schwinden

Representative Fred E. Barrett

Representative Norris Nichols

Representative Lloyd Barnard\*

Senator Kenneth Cole\*

Senator William A. Groff\*

Representative Clarence Walton\*

(\* not Council Members)

The Council's staff presently consists of the Executive Director, a Research Associate and secretarial and clerical personnel. A research assistant and attorney-bill drafter were employed temporarily during the 1959 session.

## **RULES OF PROCEDURE**

The Council is empowered by law to adopt rules of procedure and make all arrangements for its meetings. Complete minutes of the meetings are maintained and are open to inspection by any member of the Legislature. The following rules have been adopted by the members of the Council:

### **Rule I**

Regular meetings of the Legislative Council shall be held on the third Monday of each month at 10:00 A. M. in the Capitol Building, Helena, Montana, unless otherwise ordered by a two-third vote of members present and voting at a previous meeting. Special meetings may be called by the Chairman on at least ten (10) days' notice to the members. Subcommittee meetings may be called at any time convenient to the subcommittee members and on call of the subcommittee chairman.

### **Rule II**

All meetings of the Legislative Council, or any subcommittee thereof, shall be conducted under the established rules of the Senate of the State



of Montana as to quorums and parliamentary procedure as applicable.

### **Rule III**

Special committees or subcommittees shall be established by appointment of the Chairman of the Council by and with the approval of the majority of the Council present and voting at any regular or special meeting. Membership of all committees shall be of an equal number of both political parties. All subcommittees shall be chaired by a member of the Council. Any study or project adopted by the Council which requires the expenditure of Council funds, shall be under the jurisdiction and control of the Council. Any task force, study group or consultant designated to serve with or under a subcommittee or the Council on any project, shall be subject to all Legislative Council rules.

### **Rule IV**

Subject matters to be reviewed and/or studied shall be presented by or through a member or members of the Montana Legislative Assembly and shall be in writing on the prescribed form. Resolutions of the Montana Legislative Assembly, whether joint or separate, shall have priority over all other proposals in the order of their submission to the Council.

### **Rule V**

Subject matters to be reviewed and/or studied shall become a mandate of Council action upon adoption by nine members of the Council. Final recommendations to the Legislative Assembly shall be with the approval of not less than nine members of the Council.

### **Rule VI**

Subject to the approval of the Council, the Executive Director may engage necessary stenographic, clerical and other assistance for the operation of the Council and its committees.

## **Rule VII**

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

## **Rule VIII**

A subcommittee shall make a progress report on all matters referred to it not later than the next monthly meeting of the Council. In case a subcommittee report presents the final recommendation of the subcommittee on any proposal, such proposal shall then be considered by the entire Council. When a subcommittee reports progress, the Chairman or member thereof may read or explain the report, and the Council may immediately consider the information, facts and opinions presented in the report and may instruct the committee regarding its further consideration of the proposal. Progress reports shall be of such a nature as to inform other members of the Council of the problems involved and the possible solutions which might be considered.

## **Rule IX**

All claims and requisitions must be approved by the Chairman of the Council.

## **Rule X**

All meetings shall be open to the public except when in executive session.

## **Rule XI**

All publicity and news releases on behalf of the Council shall be made by the Chairman of the Council.

## **Rule XII**

Alteration, suspension or amendment of these rules may be by vote of nine members of the Council.

## FORMS FOR PROPOSALS TO THE LEGISLATIVE COUNCIL

Rule IV (Page 9) sets out the procedure for the presentation of proposals to the Legislative Council. Any member of the Legislature, whether a member of the Council or not, may present proposals to the Legislative Council. When the Council is in session the proposal may be presented by its sponsor. When the Council is not in session proposals may be mailed to the office of the Executive Director and will be presented at the next regular meeting.

Proposals should be presented in typewritten form, in duplicate, on legal size (8½x14) paper. Each proposal must have a descriptive title and must contain the date and name of the legislator presenting it to the Council. The title of a proposal should be as brief as possible but should also be descriptive of the subject which the sponsor wishes to present to the Council.

Explanatory matter may be attached to the proposal for the information of the Council and all interested persons. Supplemental matter may be in such detail as the sponsor deems necessary to explain the purposes and intent of the proposal. (See sample on following page)

As stated in Rule V (Page 9), proposals to be reviewed and/or studied shall become a mandate of Council action upon adoption by nine members of the Council.

PROPOSAL NO.....

April 7, 1958

By Senator Jones of Powder River County

A PROPOSAL to study the possibility of implementing Public Law 875 regarding Flood Disaster Relief.

### EXPLANATION

Public Law 875, which was passed by Congress in 1950-1951, authorized federal funds to provide relief and other assistance in major disasters.

There is presently no State Disaster Relief Program but such a program could be established whereby state funds augment federal funds granted under the Federal Disaster Relief Program.

Public Law 875 provides that Federal Agencies will, when authorized by the president, provide assistance to state and local governments by providing equipment, supplies, food, medicine and other resources.

However, before such aid could be accepted, State Legislation would have to be drafted and passed authorizing cooperation and establishing administrative procedures.

I would be particularly interested in knowing what the additional cost to state and local government would be.